

# Do Not Resuscitate (DNR) Bracelet

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# Sources of Information about DNR Orders and Bracelets

- Wis. Stat. ch. 154: Declarations to Physicians and Do-Not-Resuscitate Orders
- Wis. Admin. Code ch. DHS 125: Do-Not-Resuscitate Orders Directed at Emergency Health Care Personnel
- DHS website: “Do –Not-Resuscitate (DNR) Information”  
<http://www.dhs.wisconsin.gov/ems/EMSsection/DNR.htm>
- DNR Information packet available from DHS (Helen Pullen)
- My presentation does not constitute legal advice: consult your own legal counsel for legal advice

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# Forms of Advanced Health Care Planning

- Power of Attorney for Health Care
- Declaration to Physicians (“Living Will”)
- Do-Not-Resuscitate Order (DNR)
  - Evidenced by DNR Bracelet
- POLST (Physicians Orders for Life Sustaining Treatment)
  - Limited to Kenosha and parts of Western Wisconsin
  - <http://www.ohsu.edu/polst/programs/documents/WIProgramDescription.pdf>

# Power of Attorney for Health Care

- Wis. Stat. ch. 155.
- Written directive by which an individual (the “principal”) authorizes another individual (agent) to make health care decisions if the principal is no longer able to make these decisions due to incapacity.
  - 2 physicians or 1 and a psychologist must certify principal’s incompetence in writing.
- Statutory form available from DHS.
- Not specifically designed for DNR orders.
- Agent may refuse resuscitation on behalf of principal.
- Agent must be present.
- First Responders & EMTs not specifically legally bound by request of health care agent; EMS provider protocol controls.

# Declaration to Physicians

## “Living Will”

- Wis. Stat. chapter 154, subchap. II.
- Authorizes withholding or withdrawal of life-sustaining procedures or feeding tubes when the person is in a terminal condition or a persistent vegetative state.
  - Does not specifically address CPR, but CPR is a “life-sustaining procedure.”
- 2 physicians, one of whom is attending physician, having personally examined the patient, must certify in writing that the patient has a terminal condition or is in a persistent vegetative state.
- First responders & EMTs do not have statutory immunity to liability if they act under a declaration to physicians.
- FR or EMT would need to consult with and act under authority of her or his service’s medical director. Wis. Stat. s. 154.07.

# What is a do-not-resuscitate (DNR) order?

- DNR order is a written order issued by a physician (under the requirements of subchap. III of Wis. Stat. Chap 154)
- that directs emergency medical technicians, first responders and emergency health care facilities personnel
- not to attempt cardiopulmonary resuscitation on a person for whom the order is issued
- if the person suffers cardiac or respiratory arrest.
  - Wis. Stat. s. 154.17 (1).

# What is a DNR Bracelet?

- A DNR bracelet is a standardized bracelet
- that meets specifications set under s. 154.27 (1), Stats., or that is approved by the Department of Health Services under s. 154.27(2), Stats.,
- that bears the inscription, “Do Not Resuscitate”
- and signifies that the wearer is a “qualified patient” who has obtained a DNR order and that the order has not been revoked.



# Why a DNR Bracelet?

- Patients may ethically and legally decline CPR.
- Declining CPR may be in individual's best interest.
- Facilitates patient autonomy regarding medical decisions in out-of-hospital situations.
- Power of Attorney for Health Care and Living Will may not be applicable

# Why a DNR Bracelet?

- Standard medical practice to perform CPR on all persons found to be in cardiac or respiratory arrest, absent directive from attending physician to withhold such action.
- Assures EMTs and First Responders will comply with patient desire to not be resuscitated.
- Need for quick decision-making in out-of-hospital emergency.
- Protects Emergency Medical Professionals

# Who qualifies for a DNR bracelet?

- “Qualified patient” is a person who has attained the age of 18 and has any of the following conditions:
  - Terminal condition
  - A medical condition such that, were the person to suffer cardiac or pulmonary failure, resuscitation would be unsuccessful in restoring cardiac or respiratory function or the person would experience repeated cardiac or pulmonary failure with a short period before death occurs.
  - A medical condition such that, were the person to suffer cardiac or pulmonary failure, resuscitation of that person would cause significant physical pain or harm that would outweigh the possibility that resuscitation would successfully restore cardiac or respiratory function for an indefinite period of time

# How does a qualified patient obtain a DNR bracelet?

- Qualified patient (or the guardian or health care agent on behalf of an incapacitated qualified patient) requests a DNR order.
- Attending physician gives patient (or patient's guardian or health care agent) written information about resuscitation procedures the patient chooses to forego and how to revoke DNR order.
- Physician verifies patient is not pregnant.
- Patient (guardian, or health care agent) consents.
- Attending physician documents in medical record patient's condition that qualifies patient for DNR order and makes the order in writing using the prescribed DHS form.
- Patient (guardian, or health care agent) signs the order
- Physician (or person directed by physician) either:
  - Affixes standardized DNR bracelet to patient's wrist, or
  - Completes order form for Medic Alert DNR bracelet.

# Two Types of DNR Bracelets

- Hospital Style
- Medic Alert
- No Others Accepted

# Hospital Style Bracelet

<b>Do Not Resuscitate</b>	
Jane Doe 111 Star Rd No Name, WI 99999 07/04/76	<b>SAMPLE</b> Dr. Jones (608) 299-9999  <u>July Jones, MD</u>
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- DHS provides form that meets specifications out in Wis. Admin. Code DHS 154.27 (1) to physicians and medical facilities with physician medical directors.
- Physician or person directed by physician affixes to patient's wrist.

# Medic Alert DNR Bracelet

- The only commercial DNR bracelet authorized in Wisconsin.
- Mail DNR order and Medic Alert order form to Medic Alert.
- Honored out-of-state.
- Cost: one-time membership; renewal fee waived; sponsored memberships.



# Revoking a DNR Order

- Patient (or patient's legal guardian or health care agent) can revoke a DNR order by any of the following:
  - Expressing to emergency personnel the desire to be resuscitated.
  - Defacing, burning, cutting or otherwise destroying DNR bracelet.
  - Removing DNR bracelet.
- Record revocation by notifying patient's physician.
- Tear up DNR order.



# Penalties for Abuse of DNR Bracelets

- 154.29 Penalties. (1)** Any person who willfully conceals,
- defaces or damages the do-not-resuscitate bracelet of another
  - person without that person's consent may be fined not more than
  - \$500 or imprisoned for not more than 30 days or both.
- **(2)** Any person who, with the intent to cause the withholding
- or withdrawal of resuscitation contrary to the wishes of any
  - patient, falsifies, forges or transfers a do-not-resuscitate bracelet
  - to that patient or conceals the revocation under s. 154.21 of a do-
  - not-resuscitate order or any responsible person who withholds
  - personal knowledge of a revocation under s. 154.21 is guilty of a
  - Class F felony.
- **(3)** Any person who directly or indirectly coerces, threatens or
- intimidates an individual so as to cause the individual to sign or
  - issue a do-not-resuscitate order shall be fined not more than \$500
  - or imprisoned for not more than 30 days or both.
- **History:** 1995 a. 200; 1997 a. 283; 2001 a. 109.

# DNR Bracelet is for Emergency Health Care Personnel

Applies to:

- EMTs (licensed)
- First Responders (certified)
- Emergency Health Care Facilities Personnel
  - Staff at hospital ER or urgent care clinic whose duties are to render emergency medical care. DHS 125.03 (5).
- Physicians
- “Health care professionals”

Does apply to uncertified “first responders” or other care providers

Patient must wear DNR bracelet for EMTs to honor DNR order.



# EMT Procedures

- Assess patient.
- If pulse-less and non-breathing, check patient's wrist for DNR bracelet.
- If no DNR bracelet, provide usual care (CPR).
- If DNR bracelet on patient's wrist that is not defaced, do not undertake life support measures. Provide comfort care, unless:
  - Patient (guardian, health care agent) expresses desire to be resuscitated.
  - Patient is pregnant.
- Resuscitation request by family or friend does not supersede patient's wishes if patient is wearing a valid, unrevoked DNR bracelet.



# “Do Not Resuscitate” Means Emergency Provider Will Not

- Perform chest compressions.
- Insert advanced airways.
- Administer cardiac resuscitation drugs.
- Provide ventilator assistance.
- Defibrillate.



# Emergency Provider will

- Clear airway.
- Administer oxygen.
- Position for comfort.
- Splint.
- Control bleeding.
- Pain medication.
- Emotional support.
- Contact hospice, home health agency, attending physician.



# Immunity from Liability

## EMTs, First Responders, Others

- From Liability for:
  - Civil.
  - Criminal.
  - Unprofessional conduct.
- For conduct:
  - Under DNR, withholding, withdrawing resuscitation.
  - Failing to act on revocation of DNR unless actual knowledge of revocation.
  - Failing to act on DNR if no actual knowledge of DNR or good faith belief that DNR had been revoked.



# General Provisions

## Wis. Stat. s. 154.25

- Suicide: withholding or withdrawing resuscitation under valid DNR bracelet, or requesting DNR, is not suicide.
- Life Insurance not impaired by DNR.
- Health Insurance: DNR may not be used as precondition.
- Intent: failure to request DNR creates no presumption of patient's intent regarding resuscitation.
- Valid Do-Not Resuscitate Bracelet: worn, untattered DNR bracelet presumed valid unless guardian or health care agent expresses patient's desire to be resuscitated.
- Desire of Patient to be resuscitated supersedes DNR order.

QUESTIONS?